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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,453	07/09/2003	Astrid Pundt	25555	7982

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NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

SHAH, SAMIR M

ART UNIT	PAPER NUMBER
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2856

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/615,453	Applicant(s) PUNDT ET AL.	
	Examiner Samir M. Shah	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 7-22, 25, 26, 30-45, 48 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 23, 24, 27-29, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. In accordance with Applicant's election, without traverse, of Group I (claims 1-6, 23 and 24) in the reply filed on 4/25/2005, claims 7-22, 25, 26, 30-45, 48 and 49 are withdrawn from consideration.

Accordingly, claims 1, 3-6, 23, 24, 27-29, 46 and 47 are examined in this Office Action.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 3-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-6, 23, 24, 27-29, 46 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) As to claim 1, last line, which parameter is the phrase, "wherein the critical parameter is the amount of absorbate charged", referring to? Is it referring to the "at least one critical physical" parameter or the "at least one critical [chemical]" parameter?

It is suggested that the phrase "at least one critical physical or chemical parameter" should be deleted and the claim should directly refer to --determining the amount of absorbate charged-- to overcome this rejection.

(b) As to claim 3, 2nd to last line, which parameter is the phrase, "wherein the critical parameter is the substrate curvature", referring to? Is it referring to the "at least one critical physical" parameter or the "at least one critical [chemical]" parameter?

It is suggested that the phrase "at least one critical physical or chemical parameter" should be deleted and the claim should directly refer to --determining the substrate curvature resulting where appropriate from charging with the absorbate-- to overcome this rejection.

(c) As to claims 5, 6 and 23, which parameter is the phrase, "critical parameter", referring to? Is it referring to the "at least one critical physical" parameter, or the "at least one critical [chemical]" parameter, or "the amount of absorbate charged"?

It is suggested that the phrase "critical parameter" should be deleted and the claims should directly refer to --the amount of absorbate charged-- to overcome this rejection.

(d) Claim 24 recites the limitations "the surface roughness", "the surface reflectivity" and "the surface scattering behavior" in lines 2-4 of the claim. There is insufficient

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antecedent basis for these limitations in the claim. Also, it is not clear as to which surface are these limitations referring to?

(e) As to claims 28, 29 and 46, which parameter is the phrase, "critical parameter", referring to? Is it referring to the "at least one critical physical" parameter, or the "at least one critical [chemical]" parameter, or "the substrate curvature"?

It is suggested that the phrase "critical parameter" should be deleted and the claim should directly refer to --the substrate curvature-- to overcome this rejection.

(f) Claim 47 recites the limitations "the surface roughness", "the surface reflectivity" and "the surface scattering behavior" in lines 2-3 of the claim. There is insufficient antecedent basis for these limitations in the claim. Also, it is not clear as to which surface are these limitations referring to?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 4, 5 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mittal ("Salt bath test for assessing the adhesion of silver to poly(ethylene terephthalate) web" henceforth "Mittal").

(a) As to claim 1, Mittal discloses a salt bath technique/method for determining the adhesion properties of at least one coating or film of at least one first material/silver to a substrate/ESTARTM of a second material/poly(ethylene terephthalate) (page 423; abstract) comprising,

charging the coating or film with at least one absorbate/salt (by soaking in a salt-water bath) (page 425, lines 3-20) and determining at least partially, at least one critical physical or chemical parameter/adhesion value/soak time at which the coating or film detaches from the substrate/ESTARTM (pages 430-432; figures 4, 5), wherein the at least one critical physical or chemical parameter could be the amount/concentration of absorbate/salt-water (page 433, lines 1-4, 33-36).

(b) As to claim 4, Mittal discloses the salt bath test being carried out on 34 samples, which include silver coating or film of varying thickness (note, that this would be equivalent to carrying out the method steps at least twice and varying the thickness of the coating or film for each step) (page 430, last 3 paragraphs).

(c) As to claim 5, Mittal discloses using the critical parameter/soak time to determine the adhesion value/energy (figures 4, 5; pages 430-432).

(d) As to claim 24, Mittal discloses that in order to determine the critical parameter in the detachment process of the coating or film (silver) from the substrate/ESTAR™, the surface roughness is monitored by determination of the surface scattering behavior (page 426).

Allowable Subject Matter

7. Claims 3, 27-29, 46 and 47 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Claims 6 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

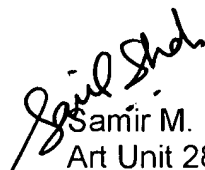
9. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

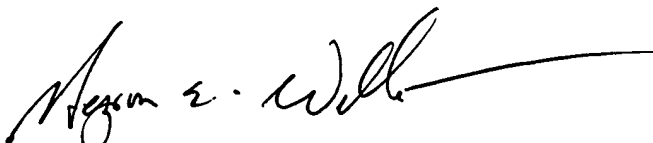
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Samir M. Shah
Art Unit 2856
12/26/2006


HEZRON WILLIAMS
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TECHNOLOGY CENTER 2800